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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,886

04/15/2005

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EXAMINER

TEATERS, LINDSEY C

ART UNIT

PAPER NUMBER

4184

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,886	Applicant(s) DE' LONGHI, GIUSEPPE	
	Examiner LINDSEY C. TEATERS	Art Unit 4184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/15/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - The specification is lacking sectional headings such as Background of the Invention, Summary of the Invention, Brief Description of the Drawings, and Detailed Description.
 - Page 5, line 18: "open" should be --closed-- (see page 6, line 24 and figure 2).
 - Page 5, line 19: "closed" should be --open-- (see page 6, line 25 and figure 3).

Appropriate correction is required.

Claim Objections

2. Claims 6, 7, 8, and 9 are objected to because of the following informalities:
 - Claim 6, line 3, use of terms "said substantially rigid tube" and "said shutter" do not have antecedent basis in claim 2, upon which claim 6 is stated to depend.
 - Claim 7, line 3, use of terms "said open position" and "said tube" and "said closed position" do not have antecedent basis in claim 2, upon which claim 7 is stated to depend.
 - Claim 7, line 3, "open position" should be -- closed position -- (see page 6, line 24 and figure 2).
 - Claim 7, line 4, "closed position" should be -- open position -- (see page 6, line 25 and figure 3).
 - Claim 8, use of term "said body" does not have antecedent basis in claim 2, upon which claim 8 is stated to depend.

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-- Claim 9, line 4, "valve .means" should be -- valve means --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 11 merely aims to encompass all that is disclosed in the application, it does not claim any specific subject matter or limitations to the previous claims. It is therefore held that claim 11 is indefinite in scope.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntosh (US 2,230,512), cited by applicant.

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Re claim 1. McIntosh teaches:

Device (faucet A, figure 1) for discharging a cooking liquid from a food product cooking apparatus (barrel B, figure 1): The faucet/valve as taught by McIntosh is capable of being used with a cooking apparatus in that the faucet/valve would function in the same manner whether connected to a barrel for motor oil or a container of cooking oil. Thus, since McIntosh teaches a faucet/valve that is capable of performing the claimed functions, McIntosh meets the claimed limitations.) characterised in that it comprises valve means (16, figure 2) for intercepting said cooking liquid and outside conveyance means (58, figure 2) of said apparatus.

Re claim 2. McIntosh teaches:

Discharging device, characterised in that said intercepting valve means (16, figure 2) are placed between said conveyance means (58, figure 2) and a bowl (B, figure 1) of said device containing said cooking liquid (16 is a part of 10 [figure 1], and is connected between the bowl and the conveyance means, see figure 1).

Re claim 3. McIntosh teaches:

Discharging device, characterised in that said intercepting valve means (16, figure 2) can be partialised (valve can be rotated between vertical and horizontal stature, where horizontal is fully open and vertical is fully closed, in the transition between the two stages it is possible to regulate the flow).

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Re claim 4. McIntosh teaches:

Discharging device, characterised in that said intercepting valve means (16, figure 2) comprise a body (see 16, figure 2) connected to said bowl (B, figure 1) and defining a seat (see figure 2) in which a hollow shutter (inside 16, between 58 and periphery of 16) is rotatably connected, mobile between an open position and a closed position (page 1, column 2, lines 41-48, specification, also see figure 2).

Re claim 5. McIntosh teaches:

Discharging device, characterised in that said conveyance means comprise a substantially rigid tube (see 58, figure 2).

Re claim 6. McIntosh teaches:

Discharging device, characterised in that said substantially rigid tube (58, figure 2) is connected to said shutter (58 protrudes inside 16, surrounded by shutter [see figure 2]), a recess (64, figure 2) of said shutter being aligned to a recess (end of 58, inside 16, figure 2) of said tube (see figure 2).

Re claim 7. McIntosh teaches:

Discharging device, characterised in that in said closed position said tube is substantially vertical or tilted upwards (page 1, column 2, lines 45-48, specification, see figure 2) and in said open position said tube is tilted downwards (page 1, column 2, lines 41-44, specification, see figure 2).

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Re claim 8. McIntosh teaches:

Discharging device, characterised in that it comprises a tubular connection element (14, figure 2) placed between said bowl and said body of said valve means (page 2, column 1, lines 1-4, specification), said connection element being tilted downwards (see figure 2).

Re claim 9. McIntosh teaches:

Procedure for discharging a cooking liquid from a food product cooking apparatus, characterised in that it consists of rotating a substantially rigid tube (58, figure 2), connected to valve means (16, figure 2) for intercepting liquid, from an upward orientation to a downward orientation, simultaneously and progressively taking said intercepting means from a closed position to an open position, so as to allow the discharge of said liquid through said intercepting means and said tube (page 1, column 2, lines 41-48, specification, see figure 2).

Re claim 11. McIntosh teaches:

Device (figures 1 and 2) and procedure (page 1, column 2, lines 41-48, specification, see figure 2) for discharging a cooking liquid from a food product cooking apparatus, all as substantially described, represented in the attached tables of drawings and claimed.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh (US 2,230,512), cited by applicant, in view of Rigney (US 2001/0054358 A1), cited by applicant.

Re claim 10.

McIntosh teaches that the liquid to be discharged from the food product cooking apparatus is oil (page 2, column 2, lines 52-57, specification).

McIntosh fails to teach that the food product cooking apparatus is a fryer. Rigney, however, teaches a fryer (paragraph [0010], lines 1-4 and 9-13), from which a liquid is drained in by a similar draining apparatus.

It would have been obvious to one of ordinary skill in the art at the time of invention to use a fryer as the food product cooking apparatus, taught by McIntosh. The motivation, as stated in paragraph [0010] of Rigney, is that draining fryer oil by means of a spigot minimizes user exposure to hot contents as well as prevents the user from having to physically tip the fryer over to empty its contents. This method is not only tedious, but it is dangerous for the user due to spills and burns.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taniguchi (US 4,850,540) teaches the valve structure described in the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSEY C. TEATERS whose telephone number is 571-270-5913. The examiner can normally be reached on Mon-Thurs 8:30am-6:00pm :: alternating Fri 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jared Fureman can be reached on 571-272-2391. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LINDSEY C TEATERS/
Examiner, Art Unit 4184

/Jared J. Fureman/
Supervisory Patent Examiner, Art Unit
4184

11/25/2008